

4.2 DOR Review

Prior to the Joint Review Board giving final approval, a majority of the members of the JRB can request the DOR review specific objective facts of documents provided to them by the local legislative body. There are limited items subject to this review, and a very strict timeline laid out for making findings. This section outlines that timeline and identifies just what the DOR will review, and what kind of response we can provide.

Review Timeline

After the municipal governing body (city council, village board, town board) adopts the creation resolution for a new TID, the resolution gets forwarded to the Joint Review Board (JRB) for consideration. By statute, the JRB must act within 30 days of receiving the resolution to either approve or deny the TID. If approved, they must send their decision to the governing body within seven (7) days. During their deliberations, however, a majority of members can request a formal DOR Review.

Timeline – To begin the review process, the JRB must submit a Review Request to the DOR. Submitting the review begins the timeline.

1. The Request must be submitted *before the deadline for JRB action* (30 days from receipt of creation resolution). The request must include several important pieces of information:
 - Municipality name and TID number
 - A list of JRB members, the date of the meeting, and a record of the vote
 - The DOR Review Request must be supported by a majority of the members
 - A copy of the documents that are to be reviewed
 - Specifically, which item is believed to be incomplete or which objective fact is believed to be inaccurate

These items must be submitted to the DOR in writing, as prescribed by the department.
2. Because of the tight deadlines prescribed by law, all documentation that has bearing on the proposal must be sent *along with the request*. This will ensure that DOR does not have to request additional documents to perform the review. These should include the document to be reviewed as well as any material that would provide insight into the accuracy of the reviewed document.
3. The DOR will, not later than *10 working days* after receiving the request, "investigate the issues raised in the request and shall send its written response to the Board." [66.1105(4m)(b) 4]
4. If no inaccuracies are identified during the review, the DOR will send its response to the JRB. The JRB then has *10 days from receipt of the response* to submit its decision to approve or deny the TID to the local governing body.

5. If the DOR finds that the proposal contains a factual inaccuracy, or is otherwise not in compliance with the statutes, the DOR will return its findings to the municipal governing body, not to the JRB. The Joint Review Board may then request – but may not require – that the municipality correct the errors and resubmit the proposal.

If the governing body decides to resubmit the proposal they must do so within 10 days of receiving the letter from DOR. JRB will review the resubmitted proposal, and must act to approve or deny the TID within 10 days of receiving the application from the governing body [66.1105 (4m)(b) 3.b.].

DOR Response

The DOR Review can be used by the JRB members to get an objective assessment of the facts and documents presented by municipal officials. After the review has been completed, the DOR responds by letter to either the JRB (if no inaccuracy is found) or to the municipal governing body (if an inaccuracy is discovered). The letter will detail, in either case, what steps should be taken next.

If no inaccuracy is found, the letter will inform the JRB members that the DOR did not identify any inconsistencies or inaccuracies. The JRB must act within 10 days of receipt of the letter to respond to the municipality.

They must make a decision based on the same criteria and adopt a resolution with the same findings as they would if no review had been requested.

If some inaccuracy is identified, the letter to the municipal governing body will describe the inaccuracy that DOR found. The DOR will not correct the problem, but the letter will direct the municipality on how to proceed. It will also clarify that the municipality may *or* may not correct and resubmit the TID application to the JRB. If they choose not to resubmit the application, the TID will not be certified and no increment revenue will be generated by those parcels. Any costs incurred in the creation of the TID to that point will then become the responsibility of the municipality's tax payers.

Please note: The DOR will only review objective facts in planning documents or resolutions for inconsistencies or factual inaccuracies. DOR will NOT review economic assumptions, eligible project costs, non-project costs, forecasts, projections, development estimates or other non-factual items.